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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,598

03/24/2004

Edward Gabriel

61166-0010-01

7245

9629 7590 04/18/2007
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WASHINGTON, DC 20004

EXAMINER

LE, TAN

ART UNIT

PAPER NUMBER

3632

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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2 MONTHS

04/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/809,598		GABRIEL, EDWARD	
	Examiner		Art Unit	
	Tan Le		3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-27 and 35-62 is/are pending in the application.
- 4a) Of the above claim(s) 38-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 14-27, 35-37 and 49-62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/07/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's reply filed 11/28/06 is acknowledged. This application contains claims numbered 24-27, 35-37, 38-48 and 49-62. Claims 1-23 and 28-34 have been canceled. Claims 49-62 have been added. Claims 38-48 have been withdrawn.

Election/Restrictions

Applicant's election without traverse of the invention group I in the reply filed on 11/28/06 is acknowledged. Newly added claims 49-62 also read on to the elected invention.

Claims 38-48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claims 24-27, 35-37 and 49-62 will be examined as follows:

Amendment to specification filed 10/18/05 has been entered.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 10/07/04 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

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This application is in condition for allowance except for the following formal matters: The following claims below are objected to because the limitations in the claims lack antecedent basis.

Claim 24 recites the limitation "the threads of the elevation shaft" (lines 9-10). There is insufficient antecedent basis for this limitation in the claim.

Claims 52 and 54 each recites the limitation "the driven gear" (claim 52, lines 10 and 13; claim 54, line 1). There is insufficient antecedent basis for this limitation in the claim.

Claims 58, 59 and 62, also possess the same limitation "the driven gear", (claim 58, lines 11, 14; claim 59, line 1; claim 62, line 1) which also lacks of antecedent basis.

Claim 58 further recites the limitation "the threads of the elevation shaft" (line 9) also lacks antecedent basis.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Allowable Subject Matter

Claims 24-27, 35-37, 49-51 and 52-62 are objected to but would be allowable if rewritten to overcome the objection above.

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The following is an examiner's statement of reasons for allowance: Although the prior art of record discloses a variety of levelers adapted for adjusting the height of a surface of an object but none of the closest prior art of record such as (Sterner (US 1,417,639), Mayer (US 1,444,931) or Sims (US 5,421,555)) teaches or discloses either the step of "providing the bearing-less leveling device" or " a driven gear (or spur gear) having internal threads engaged with the threads of the elevation shaft" as claimed in each independent claim. Sterner or Mayer teaches the driven gear having internal threads engaged with threads of the elevation shaft but does not teach the "bearing-less leveling device" (see Sterner, ball bearings 12, 14) or Mayer (ball bearing 8)). Sims teaches the "bearing-less leveling device" but does not teach the driven gear having internal threads engaged with threads of the elevation shaft.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tan Le
April 12, 2007.



Carl D. Friedman
Supervisory Patent Examiner
Group 3600